

MESSAGE NO: 5210302 MESSAGE DATE: 07/29/2015

MESSAGE STATUS: Active CATEGORY: Countervailing  
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 8113204, 8262205, 1131301,  
MESSAGE # 1200302  
(s):  
CASE #(s): C-570-913

EFFECTIVE DATE: 06/19/2015 COURT CASE #: 11-00129

PERIOD OF REVIEW: 12/17/2007 TO 12/31/2008

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for new pneumatic off-the-road tires from the People's Republic of China produced and/or exported by Hebei Starbright Tire Co., Ltd., 12/17/2007 - 12/31/2008 (C-570-913)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 3 below.

1. On 06/19/2015, the U.S. Court of International Trade dismissed the case of GPX International Tire Corporation v. United States (Court No. 11-00129). As a result of this decision, the injunction to which messages 1131301 and 1200302 refer enjoining liquidation of entries which are subject to the countervailing duty order on new pneumatic off-the-road tires from the People's Republic of China for the period 12/17/2007 through 12/31/2008 manufactured and/or exported by Hebei Starbright Tire Co., Ltd. dissolved on 06/19/2015.
2. For all shipments of new pneumatic off-the-road tires from the People's Republic of China manufactured and/or exported by Hebei Starbright Tire Co., Ltd. (C-570-913-003) and which were entered, or withdrawn from warehouse, for consumption during the period 12/17/2007 through 12/31/2008, you are to assess countervailing duties at the cash deposit or bonding rate in effect on the date of entry. Shipments of this merchandise entered, or withdrawn from warehouse, on or after 04/15/2008 and on or before 09/04/2008 should be liquidated without regard to countervailing duties. See messages 8113204 (04/22/2008) and 8262205 (09/18/2008).
3. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 2. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of new pneumatic off-the-road tires from the People's Republic of China, you shall continue to collect bonds or cash deposits of estimated countervailing duties for the merchandise at the current rates.
4. There are no injunctions applicable to the entries covered by this instruction.
5. The assessment of countervailing duties by CBP on shipments or entries of this merchandise is

subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated countervailing duties. The interest provisions are not applicable to cash or bonds posted as estimated countervailing duties before the date of publication of the countervailing duty order. Interest shall be calculated from the date payment of estimated countervailing duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

6. Upon assessment of countervailing duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed for antidumping and/or countervailing duties, CBP shall double the countervailing duty and/or increase the countervailing duty by the amount of the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

7. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O7:DL.)

8. There are no restrictions on the release of this information.

Michael B. Walsh

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party